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**PCT**

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
(PCT Article 36 and Rule 70)



REC'D 06 DEC 2004

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Applicant's or agent's file reference 027830-4492	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/US 03/1977	International filing date (day/month/year) 08.10.2003	Priority date (day/month/year) 08.10.2002
International Patent Classification (IPC) or both national classification and IPC G08C17/02		
Applicant JOHNSON CONTROLS TECHNOLOGY COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand 07.05.2004	Date of completion of this report 03.12.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Pham, P Telephone No. +31 70 340-3851 

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International application No. PCT/US 03/1977

## I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

## Description, Pages

1-13 as originally filed

## Claims, Numbers

1-24 as originally filed

## Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	6,7,11,20,24
	No: Claims	1-5,8-10,12-19,21-23
Inventive step (IS)	Yes: Claims	
	No: Claims	<del>1-24</del>
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:

- D1:** US 6 271 765 B1 (TEITELBAUM OZER M N ET AL) 7 August 2001 (2001-08-07)  
**D2:** WO 00 75905 A (BLAKER DAVID; DUCKWORTH PAUL (US); HONECK BRIAN (US); CARDWELL MAT) 14 December 2000 (2000-12-14 )

2. The present application does not meet the criteria of **Article 33(1) PCT**, because the subject-matter of claims 1, 8, 12 and 17 is **not new** in the sense of **Article 33(2) PCT**.

2.1 Document **D1** discloses (the references in parentheses applying to **D1**):

A wireless control system (20) for customizing a wireless control signal for a remote electronic system (44A - 44C) based on the location of the wireless control system (20), comprising:

a transmitter circuit (22) configured to transmit the wireless control signal having control data which will control the remote electronic system (44A - 44C) (figure 1; column 1, lines 51 - 58);

an interface circuit (30) configured to receive navigation data from a navigation data source (figure 1; column 1, line 60 - column 2, line 4); and

a control circuit (26) coupled to the transmitter circuit (22) and the interface circuit (30) configured to receive a transmit command, to receive navigation data, to determine a current location based on the navigation data, and to command the transmitter circuit (22) to transmit a wireless control signal associated with the current location (figures 1 & 2; column 2, lines 17 - 45).

The subject-matter of **claim 1** is therefore not new (**Article 33(1) and (2) PCT**).

2.2 Document **D1** further discloses (the references in parentheses applying to **D1**):

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A method of training a wireless control system (20) on a vehicle (40) for wireless control of a remote electronic system (44A - 44C) based on the location of the vehicle (40), comprising:

receiving a request to begin training from a user (column 3, lines 5 - 9);

receiving a current location for the vehicle (column 3, lines 9 - 13);

providing control data for a signal to be sent wirelessly for a remote electronic system (44A - 44C) (column 2, lines 9 - 12; column 3, lines 7 - 9); and

associating the current location for the vehicle (40) with the wireless control signal for the remote electronic system (44A - 44C) (column 2, lines 9 - 12; column 3, lines 5 - 13).

The subject-matter of **claim 8** is therefore not new (**Article 33(1) and (2) PCT**).

**2.3 Document D1 further discloses (the references in parentheses applying to D1):**

A method of transmitting a wireless control signal for controlling a remote electronic system (44A - 44C) based on the location of the vehicle (40), comprising:

receiving a current location for the vehicle (40) (column 1, line 59 - column 2, line 4);

comparing the current location of the vehicle (40) with a plurality of stored locations, each location associated with a wireless control signal (column 2, lines 36 - 45);

determining the wireless control signal associated with the stored location closest to the current location (column 2, lines 5 - 45); and

transmitting the wireless control signal associated with the stored location closest to the current location (column 2, lines 36 - 45).

The subject-matter of **claim 12** is therefore not new (**Article 33(1) and (2) PCT**).

2.4 Document **D1** further discloses (the references in parentheses applying to **D1**):

A transmitter for wirelessly controlling a plurality of remote electronic systems (**44A - 44C**) at one of a plurality of locations, comprising:

a memory (**27a-27c**) configured to store a plurality of control data messages and a plurality of locations, each control data configured to control a different remote electronic system (**44A - 44C**), the memory (**27a-27c**) configured to associate each location with a plurality of control data messages (**column 2, lines 5 - 45**) ;

a transmitter circuit (**22**); and

a control circuit (**26**) configured to command the transmitter circuit (**22**) to transmit a plurality of wireless control signals in response to a single event, each wireless control signal containing a different control data message (**column 2, lines 36 - 45**).

It is obvious that when the vehicle fulfils the operating criteria in terms of location, heading of more than one gate, multiple wireless control signals are sent to control the respective gates.

The subject matter of **claim 17** is therefore not new (**Article 33(1) and (2) PCT**).

3. Dependent claims 2 - 7, 9 - 11, 13 - 16, 18 - 24 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of **novelty** and/or **inventive step**, because they relate to subject-matter which either is known from the prior art (see **D1, D2**) or represents merely obvious design possibilities for a skilled person.

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